THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15903 of 2007

Dated: 30-07-2007

Between:

Syed Jameel Ahmed.

..... PETITIONER

AND

The District Collector, Adilabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15903 of 2007

ORDER:

The petitioner is allegedly in occupation and enjoyment of Ac.0.02 guntas of land in survey No.151 out of Ac.1.18 guntas situated at Kothapet Village (Kagaznagar), where he constructed a house bearing No.1-16-376 (new No.1-16-655). It is also his allegation that originally land admeasuring Ac.1.00 was given to Idgah of the Village and an extent of Ac.0.18 guntas was in possession of his father, out of which an extent of Ac.0.16 guntas was also taken away by Idgah leaving Ac.0.02 guntas in his (petitioner's) possession. Be that as it is, the petitioner made a representation to first respondent on 25.06.2007 requesting for issue of house site patta and regularize the same in accordance with G.O.Ms.No.361 dated 15.04.1989 and G.O.Ms.No.373 dated 01.07.1998, in vain. Therefore, he filed instance with petition seeking appropriate direction.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T), this Court is convinced that the writ petition cannot be accepted for two reasons. First, the representation itself was made to first respondent on 25.06.2007 barely a month ago and as laid down by this Court in **Mir Fazle Ali Nasiri v. State of A.P. and others**[1], in the absence of any time schedule prescribed by the statute or rules/instructions having force of law, ordinarily a writ of Mandamus cannot be issued to a public authority to adhere to a time schedule. Secondly as rightly pointed out by the learned Assistant Government Pleader, G.O.Ms.No.361 dated 15.04.1989 is applicable to the municipal areas and G.O.Ms.No.373 dated 01.07.1998 is applicable in respect of those unauthorized occupations and constructions made after 03.01.1985. The petitioner/his father has been allegedly in possession of the land for the last fifty years. Therefore, these Government orders have no application. The writ petition is misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

30th July, 2007
ghn

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[1] 2007(2) ALD 3